

REMARKS

Applicant thanks the Examiner for the careful consideration given to this application. Reconsideration is now respectfully requested in view of the amendment above and the following remarks.

Claims 1-19 are pending in this application. Claims 1, 3 and 5 are independent claims. Claims 1, 3, and 5 are amended herein without prejudice. Reconsideration and allowance of the present application are respectfully requested.

Interview Summary

Applicant thanks Examiner Khoshnoodi for the courtesy of the telephonic interview of April 21, 2010. The interview was attended by Examiner Khoshnoodi and Applicant's counsel, Jonathan Darcy. The cited art and claims were discussed.

Entry of Amendment After Final Rejection

Entry of the Amendment is requested under 37 C.F.R. § 1.116 because the Amendment: a) places the application in condition for allowance for the reasons discussed herein; b) does not present any additional claims without canceling the corresponding number of final rejected claims; and/or c) places the application in better form for an appeal, if an appeal is necessary. Entry of the Amendment is thus respectfully requested.

Claim Rejections Under 35 U.S.C. §103

Claims 1-8 and 12-19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2006/0101262 to Haney (hereinafter "Haney"), in further view of U.S. Patent No. 6,631,417 to Balabine (hereinafter "Balabine"). Claims 9-11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Haney and Balabine, and in further view of U.S. Patent No. 6,708,218 to Ellington et al. (hereinafter "Ellington et al."). Applicant requests reconsideration and withdrawal of these rejections for at least the following reasons.

Obviousness is a question of law that is evaluated based on underlying factual questions about the level of skill in the art at the time the invention was made, the scope and content of the

prior art, and the differences between the prior art and the asserted claim. *KSR Int'l Co. v. Teleflex, Inc.*, 127 S.Ct. 1727 at 1734, 1745 (2007), (quoting *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1, 17-18 (1966)). The Examiner bears the burden of establishing a *prima facie* case of obviousness based upon the prior art. *In re Piasecki*, 745 F.2d 1468, 1471-72, 223 USPQ 785, 787-88 (Fed. Cir. 1984). Applicant may traverse the Examiner's *prima facie* determination as improperly made out. *In re Heldt*, 58 C.C.P.A. 701, 433 F.2d 808, 811, 167 USPQ 676, 678 (CCPA 1970). Applicant submits a *prima facie* case of obviousness is lacking, at least by virtue that the cited references fail, in any combination, to teach each of the limitations of any of the pending claims.¹

Claim 1 has been amended to recite:

An apparatus, comprising:
 a plurality of ports to at least one of which a terminal or network having an encrypting capability can be directly or indirectly coupled;
 encryption/decryption means for performing an encrypting process to apply encryption-based security and a decrypting process to remove encryption-based security on data being communicated between the terminal or network having the encrypting capability and another network or terminal coupled to one of the plurality of ports; and
 bridge means in a data link layer for allowing data, which has been received with one of the plurality of ports and then on which the encrypting or decrypting process has been performed, to be outputted as it is from another port *without processing any IP address*, the bridge means being disposed within the apparatus, along with the encryption/decryption means. (*emphasis added*).

Support for the amendment to Claim 1 may be found throughout the original application as filed. By way of non-limiting example, support may be found at pars. [0095] – [0105]. Accordingly, no new matter has been added. The cited art fails, in any combination, to teach or suggest such an apparatus.

For example, the Office action argues Haney teaches “a means for allowing data, which has been received with one of the plurality of ports and then on which the encrypting or

¹ The following discussion identifies exemplary reference characters, and/or references particular portions of the disclosure. Such identification and/or references do not constitute a representation that any claim element is limited to the embodiment illustrated at any identified character or described in any referenced portion of the disclosure.

decrypting process has been performed, to be outputted as it is from another port without any routing associated process at a network layer being performed, the means being disposed within the apparatus along with the encryption/decryption means.” *See*, 3/11/2010, *pg. 4-5*. The Office action acknowledges, Haney fails to teach these means as a “bridge means” and “in a data link layer”, and relies upon select portions of Balabine to remedy these admitted shortcomings. *See*, 3/11/2010, *pg. 4-5*. Applicant requests reconsideration and withdrawal of these rejections for at least the following reasons.

The cited portions of Haney do not teach or suggest any means for “allowing data, which has been received with one of the plurality of ports and then on which the encrypting or decrypting process has been performed, to be outputted as it is from another port *without processing any IP address*.” The cited portions of Haney instead discuss how the disclosed firewall adds or strips IP addresses. *See*, Haney, *pg. 4, par [0038]; pg. 5, par [0040]; pgs. 6-7, par [0049]*. More particularly, Haney discusses a firewall which strips off a packet header of an encapsulating packet and decrypts an original IP packet that was encapsulated using the same encryption algorithm and key or keys that were used to encrypt it. *See*, Haney, *pg. 5, par [0040]*. The decrypted packet then has an IP packet header which has a destination address which matches the IP address of some device on the LAN on the trusted side of the destination firewall. *Id.* The decrypted packet is then put on the destination LAN and makes its way to the device to which it was addressed. *Id.*

Accordingly, and contrary to the explicit language of Claim 1, Haney’s proposed process processes IP addresses.

For purposes of completeness, it may be noted Balabine is only relied upon for its purported teachings of a bridge means (in a data link layer) that implements a firewall. *See*, 3/11/2010, *Office action. pg. 5*. And, that Ellington is not relied upon in these regards by the Office action, and hence fails to remedy the shortcomings of Haney and Balabine.

Accordingly, Applicant requests reconsideration and withdrawal of the rejections of Claim 1 under 35 U.S.C. §103(a) as being unpatentable over Haney in view of Balabine. Claims 2, 6-9, and 17 each ultimately depends from Claim 1. Accordingly, Applicant also requests reconsideration and withdrawal of these rejections to Claims 2, 6-9, and 17 as well, at least by virtue of these claims’ ultimate dependency upon base Claim 1.

Turning now to Claim 3, while of differing scope, it has been amended to analogously recite, *inter alia*, “bridge means in the data link layer for passing the encrypted data or decrypted data to the data link layer and the physical layer ***without processing any IP address***, and then sending said data to another port so as to be outputted from said port to another terminal or network coupled to the other port, the bridge means being disposed within the apparatus, along with the encryption/decryption means.” Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. §103(a) rejection of Claim 3 for at least the foregoing reasons as well. Applicant also requests reconsideration and withdrawal of the rejections of Claims 4, 10, 16, and 18, at least by virtue of these claims’ ultimate dependency upon base Claim 3.

Turning now to Claim 5, while also of differing scope, it has been amended to analogously recite, *inter alia*, “outputting the encrypted data or decrypted data from a second one of the plurality of ports of the encryption/decryption apparatus through the physical layer and bridge means in the data link layer of the encryption/decryption apparatus to a second network or terminal coupled to the second one of the plurality of ports, ***without processing any IP address***.” Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. §103(a) rejection of Claim 5 for at least the foregoing reasons as well. Applicant also requests reconsideration and withdrawal of the rejections of Claims 11-15, and 19 at least by virtue of these claims’ ultimate dependency upon base Claim 5.

Disclaimer

Applicants may not have presented all possible arguments or have refuted the characterizations of either the claims or the prior art as found in the Office Action. However, the lack of such arguments or refutations is not intended to act as a waiver of such arguments or as concurrence with such characterizations.

CONCLUSION

In view of the above, consideration and allowance are respectfully solicited.

In the event the Examiner believes an interview might serve in any way to advance the prosecution of this application, the undersigned is available at the telephone number noted below.

The Office is authorized to charge any necessary fees to Deposit Account No. 22-0185.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 22-0185, under Order No. 27592-01102-US1 from which the undersigned is authorized to draw.

Dated: April 29, 2010

Respectfully submitted,

Electronic signature: /Jonathan M Darcy/
Jonathan M Darcy
Registration No.: 44,054
CONNOLLY BOVE LODGE & HUTZ LLP
1875 Eye Street, NW
Suite 1100
Washington, DC 20006
(202) 331-7111
(202) 293-6229 (Fax)
Attorneys for Applicants